



OFFICE OF
MONROE COUNTY COMMISSIONERS
100 West Kirkwood Avenue
The Courthouse Room 322
BLOOMINGTON, INDIANA 47404

Telephone 812-349-2550

Facsimile 812-349-7320

Julie L. Thomas, President Lee Jones, Vice President Penny Githens, Commissioner

December 4, 2019

Common Council and Mayor John Hamilton
City of Bloomington
401 N. Morton Street
Bloomington, IN 47404

Monroe County Council
Courthouse, Room 306
100 W. Kirkwood Ave.
Bloomington, IN 47404

Dear Colleagues,

This letter is our response to Mayor John Hamilton's December 3, 2019 letter.

We were disappointed with the letter because we had asked for the creation of a Capital Improvement Board ("CIB") with a 3-3-1 board appointment, and full statutory authority to enter into all necessary contracts for design, construction, and operation of the Project. This is more than "oversight" or a group, which will make "recommendations." A CIB is a decision-making body. Until a CIB is created, we ask that any contracts be negotiated **and** approved by **both** the city and the county.

The Mayor has yet to express support for the creation of a CIB with 3-3-1 representation. On July 24, 2019, we recommended the CIB structure. We continue to hear that more information is needed about a CIB and/or alternative governance structures. We have had public presentations about both options. We have all the information we need. Continued requests for information, which has already been provided, feels like a delay tactic. We must make a decision in order to move this important project forward.

Before moving forward with any contract with any vendor, we need to have a governance structure in place. It appears – and was confirmed by City Legal staff – that the Mayor intends to proceed as the sole signatory on a design contract with the architects. This would be a unilateral action, which would not reflect an intention or desire to work collaboratively with the County.

The County Council passed the Food and Beverage tax with the understanding that the Mayor was dedicated to making this a collaborative and cooperative project. This has not been our experience.

We are wholly committed to the success of this Project. We have made this clear in all of our written communications and public statements. We appreciate the attendance of the elected officials at the three public meetings. We have heard no compelling evidence yet that a 501c3 is a comparable governance structure to a CIB; therefore, we are prepared to move forward with the creation of a CIB on December 11, 2019. It would be impossible for a 501c3 to be created this quickly.

With that in mind...

1. We respectfully ask Mayor Hamilton and the City Council to commit to the creation of a CIB with 3-3-1 representation, as described in the attached Ordinance. A CIB is the **only** authority proposed to date which is cloaked with the duties, responsibilities, and immunity afforded to governmental entities. A CIB is the only entity which includes tort claim liability protection for the entity and CIB board members. We have yet to see any compelling reason to support a 501c3. With requirements for annual fiscal review by the County Council and public meetings, the CIB will ensure that the millions of taxpayer dollars invested are properly monitored. As such, we cannot, in good conscience, agree to a governing structure other than a CIB. The agreement must specifically authorize the CIB to determine the locations and design for all structures, including the new Center, the hotel, and the garage – subject to necessary approvals by regulatory authorities.
2. We respectfully request that no contracts, agreements, or purchases related to the Project be entered into or agreed upon unilaterally by Monroe County, the City of Bloomington, or a related entity. The CIB should make all decisions going forward.
3. We respectfully ask that until a CIB is formalized, the City Council refrain from making any appropriation or expenditure decisions involving Food and Beverage tax dollars. To the extent that requests have already been made to the City Council, we ask that the City Council table those requests.

We ask the Mayor to commit to the following – in writing - on or before Friday, December 6th at noon (EST):

- to suspend all funding requests to the City Council related to this project until a CIB is in place;
- to commit to the creation of a CIB governance structure with full statutory authority; and
- to agree to 3-3-1 City-County representation on the CIB.

We are committed to working in good faith, expeditiously, and in the public eye to draft and create an interlocal agreement and any and all necessary legal requirements to put the pieces of this puzzle in place.

Thank you for recognizing our spirit of cooperation, collaboration, and enthusiasm for the Monroe County Convention Center Expansion Project.

Respectfully,

The Monroe County Board of Commissioners



Julie Thomas, President



Lee Jones, Vice President



Penny Githens, Member